

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF
ATLAS STEAMSHIP COMPANY
NORTHWEST,

Appellant,

vs.

SOUTHWEST AIR POLLUTION
CONTROL AUTHORITY,

Respondent.

PCHB No. 564

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being an appeal of Atlas Steamship Company Northwest, formerly known as Atlas Steamship Company to a notice of violation in the amount of \$100.00; having come on regularly for hearing before the Pollution Control Hearings Board on the 6th day of June, 1974, at Vancouver, Washington; and appellant, Atlas Steamship Company Northwest, appearing through one of its employees, Michael K. Hirs and respondent, Southwest Air Pollution Control Authority, appearing through its attorney, James D. Ladley; and Board member present at the hearing being W. A. Gissbe and the Board having considered the evidence and transcript, exhibits, recd

1 and files herein and having entered on the 25th day of June, 1974, its
2 proposed Findings of Fact, Conclusions of Law and Order, and the Board
3 having served said proposed Findings, Conclusions and Order upon all
4 parties herein by certified mail, return receipt requested and twenty
5 days having elapsed from said service; and

6 The Board having received no exceptions to said proposed Findings,
7 Conclusions and Order; and the Board being fully advised in the premises;
8 now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
10 Findings of Fact, Conclusions of Law and Order, dated the 25th day of
11 June, 1974, and incorporated by this reference herein and attached
12 hereto as Exhibit A, are adopted and hereby entered as the Board's
13 Final Findings of Fact, Conclusions of Law and Order herein.

14 DONE at Lacey, Washington, this 6th day of August, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

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17 Walt Woodward
18 WALT WOODWARD, Chairman

19 W. A. Gissberg
20 W. A. GISSBERG, Member

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26 FINAL FINDINGS OF FACT,
27 CONCLUSIONS OF LAW
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POLLUTION CONTROL HEARINGS BOARD
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IN THE MATTER OF)
ATLAS STEAMSHIP COMPANY)
NORTHWEST,)
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SOUTHWEST AIR POLLUTION)
CONTROL AUTHORITY,)
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Respondent.)

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FINDINGS OF FACT,
CONCLUSIONS AND ORDER

An informal hearing on the appeal of Atlas Steamship Company Northwest, formerly known as Atlas Steamship Company, came on before the Pollution Control Hearings Board with W. A. Gissberg presiding, on June 6, 1974 in Vancouver, Washington at 3:00 p.m.

Appellant appeared by and through one of its employees, Michael K. Hirs; respondent appeared by and through its attorney, James D. Ladley.

After consideration of the evidence and a transcript the Board

EXHIBIT A

1 makes and enters the following

2 FINDINGS OF FACT

3 I.

4 On April 1, 1974 at the Port of Longview, Longview, Washington
5 within respondent's jurisdiction, smoke was emitted from the SS ZORINA
6 for seventeen minutes of a twenty minute period of time. That emission
7 was of a shade darker than that designated as No. 2 on the Ringelmann
8 Chart as published by the United States Bureau of Mines.

9 II.

10 A visual emission of the type described in paragraph I of these
11 Findings is prohibited by Section 4.02(a)(1) of respondent's Regulation I.

12 III.

13 On April 1, 1974 respondent personally served the ship's captain
14 Chu Pin Kao, with its field Notice of Violation No. CS 1057. Thereafter,
15 on April 3, 1974 Notice of Violation imposing a civil penalty in the
16 amount of \$100.00 was mailed by certified mail to the Atlas Steamship
17 Company. The Atlas Steamship Company Northwest and the Atlas Steamship
18 Company are one and the same entities, having recently undergone a
19 name change.

20 IV.

21 Appellant's representative at the hearing expressed his personal
22 concern about air pollution, but did not deny the occurrence of the
23 incident heretofore described in these Findings. Appellant is the
24 agent of the owners of the SS ZORINA. The owner is Eddie's Shipping
25 Agency, Inc.

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27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

V.

Any Conclusion of Law hereinafter recited which should be deemed a Finding of Fact is hereby adopted as such.

From which comes the following

CONCLUSIONS OF LAW

I.

The Board has jurisdiction of the parties in the subject matter of this appeal.

II.

The SS ZORINA, its local agents, Atlas Steamship Company Northwest, and its owners, violated respondent's Regulation I, Section 4.02.

III.

Respondent has the legal authority to impose a civil penalty up to \$250.00.

IV.

The imposition of the civil penalty in the amount of \$100.00 is reasonable and should be affirmed.

V.

Any Finding of Fact which should be deemed a Conclusion of Law is hereby adopted as such.

Based upon the foregoing, the Pollution Control Hearings Board hereby enters the following

ORDER

The civil penalty of \$100.00 is affirmed.

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 DONE at Lacey, Washington this 25th day of June, 1974.

2 POLLUTION CONTROL HEARINGS BOARD

3 Walt Woodward
4 WALT WOODWARD, Chairman

5 W. A. Gissberg
6 W. A. GISSBERG, Member

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25 FINDINGS OF FACT,
26 CONCLUSIONS AND ORDER